

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE PAINTERS PENSION FUND,))	
TRUSTEES OF THE PAINTERS WELFARE)	
FUND, AND TRUSTEES OF THE)	
PAINTERS DEFERRED SAVINGS FUND)	
Plaintiffs,)	
)	No. 07 C 3918
v.)	
LASALLE NATIONAL BANK and)	Judge Bucklo
LASALLE NATIONAL TRUST, N.A.)	
Defendant.)	Judge Keys
)	
<hr style="width: 50%; margin-left: 0;"/>		
LASALLE BANK, N.A.,)	
Third-Party Plaintiff,)	
v.)	
OBA MIDWEST, LTD., TRUSTEES OF)	
THE PAINTERS PENSION FUND,)	
TRUSTEES OF THE PAINTERS)	
WELFARE FUND, TRUSTEES OF THE)	
PAINTERS DEFERRED SAVINGS FUND,)	
and WELLS FARGO BANK, N.A.)	
Third-Party Defendants.)	
)	
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TRUSTEES OF THE NECA-IBEW LOCAL NO.)	
176 PENSION FUND, NECA-IBEW LOCAL NO.)	
176 WELFARE FUND, AND NECA-IBEW)	
LOCAL NO. 176 SUPPLEMENTAL)	
UNEMPLOYMENT BENEFIT FUND,)	
Plaintiffs,)	
)	No. 07 C 3979
v.)	
)	Judge Dow
LASALLE NATIONAL BANK,)	
LASALLE NATIONAL TRUST, N.A.,)	Magistrate Judge Mason
Defendants.)	
)	
<hr style="width: 50%; margin-left: 0;"/>		
LASALLE BANK, N.A.)	
Third-Party Plaintiff,)	
v.)	
OBA MIDWEST, LTD., TRUSTEES OF THE)	
NECA-IBEW LOCAL NO. 176 PENSION FUND,)	
NECA-IBEW LOCAL NO. 176 WELFARE)	
FUND, NECA-IBEW LOCAL NO. 176)	
SUPPLEMENTAL UNEMPLOYMENT BENEFIT)	
FUND, and WELLS FARGO BANK, N.A.)	
Third Party Defendants.)	

**MOTION TO CONSOLIDATE FOR DISCOVERY
DEPOSITION PURPOSES ONLY**

Now Come the Plaintiffs, TRUSTEES OF THE PAINTERS PENSION FUND, TRUSTEES OF THE PAINTERS WELFARE FUND and TRUSTEES OF THE PAINTERS DEFERRED SAVINGS FUND in Case No. 07 C 3918 and NECA-IBEW Funds Plaintiffs in Case No. 07 C 3979, by and through their attorneys, JOHN J. TOOMEY, ARNOLD AND KADJAN, and pray leave of court to consolidate the above cases for purpose of depositions. In support of their Motion, Plaintiffs state as follows:

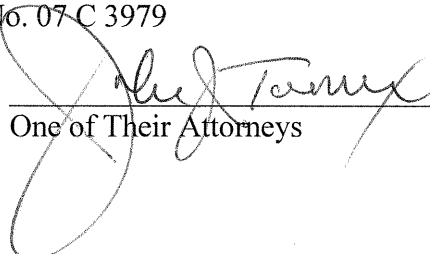
1. Each of the Plaintiff funds are separate and independent of each other and are not inter-related in any way.
2. This Motion does not seek reassignment under L.R. 40.4, but only to expedite discovery that may be common to both actions.
3. The Plaintiff Funds dealt with Defendant LaSalle Bank, who engaged in like conduct, though each Fund had separate contracts, accounts, balances and damages. testimony regarding LaSalle Bank's course of dealings within its banking and lock box department involves the same persons in each action.
4. LaSalle Bank has brought a nearly identical counterclaim for indemnity in both actions involving the same parties, OBA Midwest, Ltd. and Wells Fargo and each respective Plaintiff Fund.
5. Wells Fargo has noticed LaSalle Bank employee depositions using both captions, though no formal consolidation motion or stipulation on this matter has been reached.
6. This Motion is brought in the interest of judicial economy in advance of any deposition yet commencing in either action. The later filed NECA-IBEW action is not yet at issue with motions awaiting ruling, and discovery remains open.

WHEREFORE, Plaintiffs pray that the court grant the Motion to Consolidate for Fact Deposition Discovery purposes in both actions to avoid duplication of effort and inconvenience to the witnesses and conserve attorney and court time.

TRUSTEES OF THE PAINTERS PENSION FUND
TRUSTEES OF THE PAINTERS WELFARE
FUND, AND TRUSTEES OF THE PAINTERS
DEFERRED SAVINGS FUND, Plaintiffs
Case No. 07 C 3918

TRUSTEES OF THE NECA-IBEW LOCAL NO.
176 PENSION FUND, NECA-IBEW LOCAL NO.
176 WELFARE FUND, AND NECA-IBEW
LOCAL NO. 176 SUPPLEMENTAL
UNEMPLOYMENT BENEFIT FUND, Plaintiffs
Case No. 07-C 3979

By:


One of Their Attorneys

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